

REMARKS

With this amendment, Claims 39-62 are pending in this application.

In response to the office action, claims 39, 42, 46, 47, 52, 56, 58, and 59 were amended.

Rejection of Claims 39-41, 43-47, 52-55, and 57-59 under 35 U.S.C. §103 (a) as being unpatentable over Orava, (U.S. Patent Application Publication 2002/0071477) in view of Bensaou et al (U.S. Patent No. 6,934,297):

Applicant respectfully requests reconsideration of the rejection of Claims 39-41, 43-47, 52-55, and 57-59 under 35 U.S.C. §103 (a) as being unpatentable Orava, (U.S. Patent Application Publication 2002/0071477) in view of Bensaou et al (U.S. Patent No. 6,934,297) as herein amended.

In the present case, all three criteria for establishing a prima facie case of obviousness are not met because the teachings of Orava (U.S. Patent Application Publication 2002/0071477) and of Bensaou et al (U.S. Patent No. 6,934,297) references, taken singly or in combination, do not teach or suggest all of the claim limitations recited in the Claims 39-41, 43-47, 52-55, and 57-59.

Specifically, Applicant respectfully submits that Orava does not describe nor anticipate Applicant's invention as claimed in Independent claims 39 and 52 as herein amended. Claims 39 and 52 have been amended to clarify that each of the plurality of nodes is capable of operating in an operational state comprising: an off state, an active and relay state, and an active and non-relay state. (emphasis added) Support for this amendment can be found in paragraphs [0022] to [0027] of Applicant's original specification.

Orava does not describe nor anticipate the "active and non-relay" state as claimed in Applicant's invention. According to Applicant's invention, an ad-hoc node can operate within the network while acting as a relay or not acting as a relay although still remaining active in the network in either case. Orava (U.S. Patent Application Publication 2002/0071477) in view of Bensaou et al (U.S. Patent No. 6,934,297), in contrast, always requires ad-hoc nodes to be relay agents. Applicant's invention allows a node to dynamically move between these modes.

Regarding Claims 46 and 58, Applicants submit that Claims 46 and 58 as herein amended are allowable over the cited references based on their dependencies upon claims 39 and 52 which claims were shown to be allowable above. In addition, Applicants submit that claims 46 and 58 are also independently patentable because they include limitations not taught or suggested by the cited references. Specifically, Orava (U.S. Patent Application Publication 2002/0071477) in view of Bensaou et al (U.S. Patent No. 6,934,297) does not anticipate Applicant's invention as claimed in the further limitations of claims 46 and 58 as herein amended. Claims 46 and 58 have been amended to clarify that "the category of at least one of the plurality of nodes comprises a non-network infrastructure component category, and further wherein the operational state is set to an active and non-relay state for each of the plurality of nodes of the non-network infrastructure component category." (emphasis added) Support for this amendment can be found in paragraph [0025] of Applicant's original specification. As stated by the Examiner in Item 7 of the Office Action dated June 18, 2007, Orava (U.S. Patent Application Publication 2002/0071477) in view of Bensaou et al (U.S. Patent No. 6,934,297) requires that "every node is a network infrastructure component" and thus all nodes are set to "the active and relay state." Orava (U.S. Patent Application Publication 2002/0071477) in view of Bensaou et al (U.S. Patent No. 6,934,297) therefore does not anticipate a non-network infrastructure node being in an active and non-relay state as required by Claims 46 and 58 as herein amended. Therefore, Applicant respectfully submits that Claims 46 and 58 are allowable over the cited art.

Regarding Claims 47 and 59, Applicants submit that Claims 47 and 59 as herein amended are allowable over the cited references based on their dependencies upon claims 39 and 52 which claims were shown to be allowable above. In addition, Applicants submit that claims 47 and 59 are also independently patentable because they include limitations not taught or suggested by the cited references. Specifically, Orava (U.S. Patent Application Publication 2002/0071477) in view of Bensaou et al (U.S. Patent No. 6,934,297) does not anticipate Applicant's invention as claimed in the further limitations of claims 47 and 59 as herein amended. Claims 47 and 59 have been amended to clarify that "the originating node comprises a non-group member of the closed user group, and further wherein the operational state of the immediate neighbor node is set to an active and non-relay state in response to the originating node comprising a non-group member of the

closed user group.” Support for this amendment can be found in paragraph [0027] of Applicant’s original specification. As the Examiner states in Item 7 of the Office Action of June 18, 2007, Orava (U.S. Patent Application Publication 2002/0071477) in view of Bensaou et al (U.S. Patent No. 6,934,297) requires that “all nodes collectively form a closed user group” and “thus a neighboring nodes is always set to ...the active and relay state.” Orava (U.S. Patent Application Publication 2002/0071477) in view of Bensaou et al (U.S. Patent No. 6,934,297) therefore does not anticipate a non-network group member node being in an active and non-relay state as required by Claims 47 and 59 as herein amended. Therefore, Applicant respectfully submits that Claims 47 and 59 are allowable over the cited art.

Regarding Claims 40-41, 43-45, 53-55, and 57, Applicants submit that Claims 40-41, 43-47, 53-55, and 57-59 are allowable over the cited references based on their dependencies upon claims 39 and 52 which claims were shown to be allowable above. In addition, Applicants submit that claims 40-41, 43-47, 53-55, and 57-59 are also independently patentable because they include limitations not taught or suggested by the cited reference.

Therefore, since Claims 39-41, 43-47, 52-55, and 57-59 recite patentable subject matter, Applicants respectfully submit that Claims 39-41, 43-47, 52-55, and 57-59 are in proper condition for allowance and request that Claims 39-41, 43-47, 52-55, and 57-59 may now be passed to allowance.

Rejection of Claims 42 and 56 under 35 U.S.C. 103(a) as being unpatentable over Orava (U.S. Patent Application Publication 2002/0071477) in view of Bensaou et al (U.S. Patent No. 6,934,297) further in view of Susnow et al (U.S. Patent Application Publication 2002/0159385):

Applicant respectfully submits that Claims 42 and 56 are allowable under 35 U.S.C. 103(a) over Orava (U.S. Patent Application Publication 2002/0071477) in view of Bensaou et al (U.S. Patent No. 6,934,297) further in view of Susnow et al (U.S. Patent Application Publication 2002/0159385).

Applicants submit that Claims 42 and 56 as herein amended are allowable over the cited references based on their dependencies upon claims 39 and 52 which claims were shown to be allowable above. In addition, Applicants submit that claims 42 and 56 are also independently patentable because they include limitations not taught or suggested by the cited references. Specifically, Orava (U.S. Patent Application Publication 2002/0071477) in view of Bensaou et al (U.S. Patent No. 6,934,297) further in view of Susnow et al (U.S. Patent Application Publication 2002/0159385) does not anticipate Applicant's invention as claimed in the further limitations of claims 42 and 56 as herein amended. Claims 42 and 56 have been amended to clarify that "the operational state of a node is set to an active and non-relay state when the associated current number of credits is at least equal to the maximum number of economic credits." Support for this amendment can be found in paragraph [0037] of Applicant's original specification. , Orava (U.S. Patent Application Publication 2002/0071477) in view of Bensaou et al (U.S. Patent No. 6,934,297) further in view of Susnow et al (U.S. Patent Application Publication 2002/0159385) does not anticipate a node being in an active and non-relay state when a maximum number of economic credits is reached. When the maximum credits are accumulated, the node stops helping in the network (changes from relaying to non-relaying). The node continues to participate in the network, it just doesn't help as a relay point for other nodes. This is not done to prevent inundation of the node, simply to limit the economic credit that can be received. Intermediate nodes in Suslow cannot completely stop relaying without breaking the network, it's only a temporary condition. In Applicant's network, a node can stop relaying and still participate in the network. Other nodes will simply find an alternate route.

Therefore, since Claims 42 and 56 recite patentable subject matter, Applicants respectfully submit that Claims 42 and 56 are in proper condition for allowance and request that Claims 42 and 56 may now be passed to allowance.

Rejection of Claims 48-50 and 60-62 under 35 U.S.C. 103(a) over Orava (U.S. Patent Application Publication 2002/0071477) in view of Bensaou et al (U.S. Patent No. 6,934,297) further in view of Larsen et al (U.S. Patent No. 6,810,428):

Applicant respectfully request reconsideration of the rejection of Claims 48-50 and 60-62 under 35 U.S.C. 103(a) as being unpatentable over Orava (U.S. Patent Application Publication 2002/0071477) in view of Bensaou et al (U.S. Patent No. 6,934,297) further in view of Larsen et al (U.S. Patent No. 6,810,428). Claims 48-50 and 60-62 contain further limitations of the now believed to be allowable amended claims 39 and 52 respectively. As discussed previously with respect to claims 39 and 52, Orava (U.S. Patent Application Publication 2002/0071477) in view of Bensaou et al (U.S. Patent No. 6,934,297) does not anticipate nor describe the "active and non-relaying state" as recited in Applicant's claims. Applicant therefore respectfully submits that modifying the invention of Orava (U.S. Patent Application Publication 2002/0071477) in view of Bensaou et al (U.S. Patent No. 6,934,297) to include a status-based decision described by Larsen does not anticipate Applicant's invention of Claims 48-50 and 60-62.

Therefore, since Claims 48-50 and 60-62 recite patentable subject matter, Applicants respectfully submit that Claims 48-50 and 60-62 are in proper condition for allowance and request that Claims 48-50 and 60-62 may now be passed to allowance.

Rejection of Claim 51 under 35 U.S.C. 103(a) as being unpatentable over Orava (U.S. Patent Application Publication 2002/0071477) in view of Bensaou et al (U.S. Patent No. 6,934,297) and further in view of Batsell et al (U.S. Patent Application Publication No. 2002/0145978):

Applicant respectfully request reconsideration of the rejection of Claim 51 under 35 U.S.C. 103(a) over Orava (U.S. Patent Application Publication 2002/0071477) in view of Bensaou et al (U.S. Patent No. 6,934,297) further in view of in view of Batsell et al (U.S. Patent Application Publication No. 2002/0145978). Claim 51 contains further limitations of the now believed to be allowable amended claims 39 and 52 respectively. As discussed previously with respect to claims 39 and 52, Orava (U.S. Patent Application Publication 2002/0071477) in view of Bensaou et al (U.S. Patent No. 6,934,297) does not anticipate nor describe the "active and non-relaying state" as recited in Applicant's claims. Applicant therefore respectfully submits that modifying the invention of Orava (U.S. Patent Application Publication 2002/0071477) in view of Bensaou et al (U.S. Patent No. 6,934,297) and further in view of Batsell et al (U.S. Patent Application Publication No. 2002/0145978) does not anticipate Applicant's invention of Claim 51.

Therefore, since Claim 51 recites patentable subject matter, Applicant respectfully submits that Claim 51 is in proper condition for allowance and request that Claim 51 may now be passed to allowance.

No amendment made was related to the statutory requirements of patentability unless expressly stated herein. No amendment made was for the purpose of narrowing the scope of any claim, unless Applicant has argued herein that such amendment was made to distinguish over a particular reference or combination of references.

The Applicants believe that the subject application, as amended, is in condition for allowance. Such action is earnestly solicited by the Applicants.

In the event that the Examiner deems the present application non-allowable, it is requested that the Examiner telephone the Applicant's attorney or agent at the number indicated below so that the prosecution of the present case may be advanced by the clarification of any continuing rejection.

The Commissioner is hereby authorized to charge Deposit Account 502117, Motorola, Inc, with any fees which may be required in the prosecution of this application.

Respectfully submitted,

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